

### REMARKS

In the office action mailed January 23, 2009, the Examiner rejected pending claims 1-14 under 35 U.S.C. § 101 and additionally rejected pending claims 1-8 and 10-22 under 35 U.S.C. § 103(a). The Examiner objected to claim 15. In reply, Applicant has amended claims 1, 15, and 22. As such, claims 1-22 remain pending with claim 9 cancelled earlier. Applicant respectfully requests the Examiner's consideration of pending claims in view of the amendments above and the arguments set forth in this response.

Claims 1, 15, and 22 are amended to recite a "method of performing customer-specific value predictions for marketing campaigns...determining, using a computer device, an individual response probability for each of a plurality of customers...determining, using the computer device, an individual response value for each of the customers in the first target group regarding the first campaign step that indicates a predicted monetary value of a response to the first campaign step of the marketing campaign by the customer; and predicting, using the computer device, a monetary outcome of the first campaign step of the marketing campaign using the response probability and the response value, wherein the monetary outcome is predicted on a customer-specific basis..."

The amendments are supported by the present disclosure. For example, the amendments are supported as described on page 8, lines 5-7 "the evaluation module 165 may use a response prediction module 166 to determine the predicted response from *individual* customers. The response prediction module may use a 'response, frequency, monetary' (RFM) analysis." The amendments are also supported on page 13, lines 6-9 "Table 2 lists two ways of predicting the rate of responses. Response model means that the p/d step 206 involves using the response prediction module 166 to obtain a prediction based on the individual customers in the target group. Thus, the response rate predicted using this alternative may differ between different customers." The amendments are further supported on pages 22, line 23 through page 23, line 02 "By selecting customers from the first target group according to their individual response probabilities, a sample second target group can be generated that is representative of the

responding customers. Such a sample target group can be used to predict the outcome of subsequent campaign steps.”

No new matter is added.

### **Claim Objections**

The Examiner objected to claim 15 because of the following informality: the extraneous “of customer” phrase should have been deleted in claim 15 as it was in claims 1 and 22. Applicant now amends claim 15 to address the issue raised by the Examiner, and asks that the Examiner remove the objection of claim 15.

### **Claim Rejections – 35 U.S.C. § 101**

The Examiner rejected claims 1-14 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Without conceding that the rejection has merit, Applicant has amended claim 1 to recite that each method step is performed “using a computer device,” and asks that the Examiner remove the rejection of claims 1-14 on this basis.

### **Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected pending claims 1, 5-8, 15-19, and 22 under 35 U.S.C. § 103(a) as being unpatentable over US 6,839,682 (“Blume”). The Examiner also rejected pending claims 2-4 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Blume in view of US 2002/0052775 (“Fisher”). In addition, the Examiner also rejected pending claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Blume in view of US 7,003,476 (“Samra”). Lastly, the Examiner rejected pending claims 11, 12, 20, and 21 under 35 U.S.C. § 103(a) as being unpatentable over Blume in view of US 6,847,934 (“Lin”).

These rejections are rendered moot by the above amendments. Nevertheless, and without conceding that the rejections have merit, Applicant notes the following.

The independent claims as amended relate to performing customer-specific value prediction for marketing campaigns. This relates to the implementations described on pages 26-29 of the present specification. In particular, the claims disclose determining and/or predicting both response probabilities and monetary response values (e.g., monetary outcomes) of performing one or more campaign steps toward target groups where both the response

probabilities and the monetary outcomes are predicted on a customer-specific basis, and wherein a target group is selected for the second campaign step based on the individual response probabilities.

In particular, the Applicant's disclosure describes a process of predicting marketing campaigns using customer-specific response probabilities and response values. The applicant's independent claims can use both a default value or a customer-specific value to predict response probabilities and response values. The applicant's disclosure provides an example of how the campaign prediction may take customer-specific values into account. For example, "customer-specific response values can be used in the situations...where the system 100 is used for predicting outcomes of marketing campaigns. For example, when a marketing campaign includes alternative campaign steps, such as steps 207, 208 and 209 in Figure 2, the assignment module 163 can try different assignments of customers to the alternative campaign steps, and the corresponding outcome of the marketing campaign can be evaluated. Specifically, when the evaluation module 165 determines the first predicted value in step 305 (see Figure 3), it may use a customer specific response value to predict the outcome of a particular assignment of the customers to the campaign steps. Thus, each evaluation of a particular customer-campaign step assignment may involve determining the response probability for a particular customer, determining the response value of that customer, and predicting the response from that customer, that is, predicting the outcome of the marketing campaign in this regard."

Unlike Applicant's claimed subject matter, Blume, Fisher, Samra, and Lin fail to disclose or suggest determining and/or predicting a monetary response value for an individual customer, and creating a target group for a subsequent campaign step based on individual response probabilities for customers from an earlier target group. In fact, none of the references of record disclose or suggest the steps of (i) "determining, using [a] computer device, an individual response value for each of the customers in a first target group," (ii) using the response value and the response probability to "predict a monetary outcome of [a] first campaign step," or (iii) predicting a monetary outcome of performing also the second campaign step toward the second

target group after the first campaign step, wherein the second target group is a subset of the first target group, and wherein the monetary outcome is predicted on a customer-specific basis.”

Accordingly, the cited references, whether taken alone or in combination, do not render Applicant's amended independent claims obvious, because Applicant's claimed subject matter can provide embodiments with features and advantages the cited references do not suggest or even contemplate. For example, the ability to predict both response probabilities and response values for individual customers in a multi-step campaign provides the advantage of analyzing campaign success as well as profit margins, cost margins, and other financial data before performing any marketing campaign. The Applicant's independent claims determine, on a customer-specific basis, what a likely response will be and what value the instigator of a marketing campaign will receive.

For at least the foregoing reasons, independent claims 1, 15, and 22 define patentable subject matter over the prior art of record. Applicant respectfully requests that the Examiner remove the rejections under 35 U.S.C. § 103 of independent claims 1, 15, and 22 as well as claims 2-8, 10-14, and 16-21 which depend, either directly or indirectly, from the independent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Thomas Witting  
Serial No. : 10/608,895  
Filed : June 27, 2003  
Page : 11 of 11

Attorney's Docket No.: 13906-0132001 / 2003P00408  
US

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: April 20, 2009 \_\_\_\_\_

/s/ richard soderberg reg. no. 43,352/ \_\_\_\_\_  
J. Richard Soderberg  
Reg. No. 43,352

Fish & Richardson P.C.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (877) 769-7945

60552849.doc